

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 20, 2002

(Approved September 3, 2002)

CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Major Anderson, Executive Secretary Steiner and Industry Liaison Okey.

Pam Ferguson of WSWI, Jim Calvert of Olinger, Ronna Chappell of ILBA, Lisa Goldner of Bose McKinney and Evans, Phil Frame of WSWI were present as observers.

COMMUNICATIONS FROM THE FLOOR

There were no Communications From the Floor.

DISPOSITION OF MINUTES

There were no Minutes for this meeting.

HEARING JUDGE'S RECOMMENDATIONS

Vice Chairperson Glass moved to approve the PAD forms that were submitted for the August 20, 2002 meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

RR45-06542 GAIL GRAY – Hearing Judge Steiner stated this was a recommended approval of a renewal by the Lake County Local Board and an upholding of that recommendation by the Commission. The remonstrators filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Davis moved to uphold the Hearing Judge's recommendation and approve the renewal. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

DL04-19422 CASEY'S ENTERPRISES, LLC – Hearing Judge Steiner stated this was a recommended denial of a new application by the Benton County Local Board and an upholding of that denial by the Commission. The applicant filed a timely notice of appeal and the matter was set for hearing.

The remonstrator filed objections to the Proposed Findings and the applicant's attorney filed a response to the objections. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Marks moved to uphold the Hearing Judge's recommendation to reverse the local board and approve the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

APPEAL OF HEARING JUDGE'S RECOMMENDATIONS

There were no Appeals of Hearing Judge's Recommendations.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

Five hundred five (505) renewals approved, fifty-one (51) new and/or transfer permits approved, thirteen (13) permits conditionally approved, one (1) permit approved for first year escrow and two (2) permits approved for second year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RC83-04001 LOYAL ORDER OF MOOSE – Vice Chairperson Glass noted this is a type 211-4 renewal application with the local board voting three (3) to one (1) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

RC83-00028 AMERICAN LEGION POST 140 – Vice Chairperson Glass noted this is a type 211-4 renewal application with the local board voting three (3) to one (1) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

RR49-19865 RESTAURANT EL CARIBE LLC – Vice Chairperson Glass noted this is a new type 112 application with the local board voting three (3) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

RC12-11271 LOYAL ORDER OF MOOSE #7 – Vice Chairperson Glass noted this is a type 211-3 renewal application with the local board voting two (2) to one (1) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

RR75-03291 SPROTSMANS HIDEAWAY, INC. – Vice Chairperson Glass noted this is a type 209 renewal application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

DL50-19871 MARTIN'S SUPERMARKETS, INC. – Vice Chairperson Glass noted this is a new type 208 application with the local board voting three (3) to one (1) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR57-93353 C.C. RIDER, INC. – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting three (3) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

RR43-83245 WAWASEE BOWL, INC. – Vice Chairperson Glass noted the location of this permit was annexed into the city limits of Syracuse. The permittee is requesting that this permit be converted from a type 209 permit to a type 210 permit.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Davis and it was unanimously approved.

RR02-95295 HSA INVESTMENTS, INC. – Vice Chairperson Glass noted the location of this permit was annexed into the city limits of Fort Wayne. The permittee is requesting that this permit be converted from a type 209 permit to a type 210 permit.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Marks and it was unanimously approved.

RR49-05386 THE LOUNGE, LLC – Vice Chairperson Glass noted this is a transfer of ownership and location application with the local board voting three (3) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the transfers. Motion seconded by Commissioner Davis and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make twenty-one permits inactive. Eight (8) permits are not subject to auction and thirteen (13) permits are subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

DI46-19843 GAS CITY, LTD. – Appeal will be assigned to a hearing officer.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

JUVENILE DIABETES RESEARCH FOUNDATION INTERNATIONAL - The Juvenile Diabetes Research Foundation International is requesting permission to hold their silent auction and wine tasting benefit.

ST. THOMAS MORE SCHOOL OKTOBERFEST – St. Thomas More School is requesting permission to serve donated alcoholic beverages at their Oktoberfest fundraiser.

ST. FRANCIS HEALTHCARE FOUNDATION CHRYSANTHEMUM BALL – St. Francis Healthcare Foundation is requesting permission to serve donated alcoholic beverages at their Chrysanthemum Ball.

MULTIPLE SCLEROSIS SOCIETY DINNER OF CHAMPIONS – The Multiple Sclerosis Society is requesting permission to serve donated alcoholic beverages at their Dinner of Champions.

FRIENDS OF ART – Friends of Art is requesting permission to hold a wine tasting.

INDIANA REPERTORY THEATRE OPENING NIGHTS – The Indiana Repertory Theatre is requesting permission to served donated alcoholic beverages at their opening night activities.

MENTAL HEALTH ASSOCIATION IN INDIANA SPORTS GRIDIRON – The Mental Health Association in Indiana is requesting permission to serve donated alcoholic beverages at the Sports Gridiron.

HERRON SCHOOL OF ART GROUNDBREAKING – Herron School of Art is requesting permission to serve donated alcoholic beverages at the groundbreaking ceremony.

Commissioner Davis moved to approve the requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

POLICY DETERMINATIONS

Chairperson DePrez stated that the Commission is reviewing the current Non-Rule Policies and will make a decision concerning them possibly within the next 30 days. Any written comments from the industry should be directed to the Chairperson and then they will be shared with the other members of the Commission.

UNDER ADVISEMENT

There was nothing Under Adviseement.

ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this _____ day of _____, 2002.

MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER